

The Gazette of India

EXTRAORDINARY

PART II—Section 1

PUBLISHED BY AUTHORITY

No. 30] NEW DELHI, MONDAY, MAY, 24, 1954

MINISTRY OF LAW

New Delhi, the 24th May, 1954.

The following Act of Parliament received the assent of the President on the 22nd May, 1954 and is hereby published for general information:—

THE SALARIES AND ALLOWANCES OF MEMBERS OF PARLIAMENT ACT, 1954

No. 30 OF 1954

[22nd May, 1954]

An Act to provide for the salaries and allowances of Members of Parliament.

BE it enacted by Parliament in the Fifth Year of the Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the Salaries and Allowances of Members of Parliament Act, 1954.

(2) It shall come into force on the first day of June, 1954.

2. Definitions.—In this Act,—

(a) 'committee' means a Committee of either House of Parliament, and includes a Joint Committee of both Houses;

(b) 'member' means a member of either House of Parliament, but does not include—

(i) a Minister as defined in the Salaries and Allowances of Ministers Act, 1952 (LVIII of 1952); and

(ii) an officer of Parliament as defined in the Salaries and Allowances of Officers of Parliament Act, 1953 (20 of 1953);

(c) 'new member' means a member who takes his seat in either House of Parliament after the commencement of this Act and includes a member who is re-elected or re-nominated;

(d) 'period of residence on duty' means the period during which a member resides at a place where a session of a House of Parliament or a sitting of a committee is held or where any other business connected with his duties as such member is transacted, for the purpose of attending such session or sitting or for the purpose of attending to such other business, and includes—

(i) in the case of a session of a House of Parliament, a period of such residence, not exceeding three days, immediately preceding the commencement of the session and a period of such residence, not exceeding three days, immediately succeeding the end of the session, and

(ii) in the case of a sitting of a committee or any other business, a period of such residence, not exceeding two days, immediately preceding the commencement of the business of the committee or other business and a period of such residence, not exceeding two days, immediately succeeding the conclusion of the business of the committee or other business;

Explanation.—A member who ordinarily resides at a place where a session of a House of Parliament or a sitting of a Committee is held or where any other business connected with his duties as such member is transacted shall, for the duration of the session or sitting or the time occupied for the transaction of other business (including the three or two days immediately preceding or succeeding), be deemed to reside at such place for the purpose of attending such session or sitting or, as the case may be, for the purpose of attending to such other business;

(e) 'term of office' means,—

(a) in relation to a person who is a member at the commencement of this Act, the period beginning with such commencement and ending with the date on which his seat becomes vacant;

(b) in relation to a new member, the period beginning with the date when such member takes his seat in the House of the People or the Council of States, as the case may be, and ending with the date on which his seat becomes vacant.

3. Salaries and daily allowances.—A member shall be entitled to receive a salary at the rate of four hundred rupees per mensem during the whole of his term of office *plus* an allowance at the rate of twenty-one rupees for each day during any period of residence on duty.

4. Travelling allowances.—(1) There shall be paid to each member in respect of every journey performed by him for the purpose of attending a session of a House of Parliament or a meeting of a Committee or for the purpose of attending to any other business connected with his duties as a member, from his usual place of residence to the place where the session or the meeting is to be held or the other business is to be transacted and for the return journey from such place to his usual place of residence—

(a) if the journey is performed by rail, an amount equal to one second class fare *plus* one third class fare for each such

journey, irrespective of the class in which the member actually travels;

(b) if the journey is performed by air, an amount equal to one and one-fourth of the air fare for each such journey;

(c) if the journey or any part thereof cannot be performed by rail or air—

(i) where the journey or any part thereof is performed by steamer, an amount equal to one and three-fifths of the fare (without diet) for the highest class in the steamer for each such journey or part thereof;

(ii) where the journey or any part thereof is performed by road, a road mileage at the rate of eight annas per mile for each such journey or part thereof.

Explanation.—For the purposes of sub-clause (ii) of clause (c) of this sub-section, the expression 'journey' shall include the journey from and to the railway station, port or aerodrome to and from the usual place of residence of the member or as the case may be, the residence of the member at the place where the session of the House of Parliament or a meeting of the Committee is to be held or where any other business is to be transacted.

(2) Notwithstanding anything contained in sub-section (1), a member who performs a journey by road between places connected by rail or steamer, either wholly or in part, may draw the mileage allowance referred to in sub-clause (ii) of clause (c) of sub-section (1) in place of the travelling allowance which would have been admissible to him if he had travelled by rail or steamer, as the case may be:

Provided that the total amount of travelling allowance drawn by such member for the entire journey shall not exceed the amount which would have been admissible to him had he performed such journey by rail or by steamer, as the case may be.

5. Travelling allowances for intermediate journeys.—Where a member absents himself for less than fifteen days during a session of a House of Parliament or a sitting of a committee for visiting any place in India, he shall be entitled to receive travelling allowances in respect of such journey to such place and for the return journey—

(a) if the journey is performed by rail, equal to one second class fare for each such journey irrespective of the class in which the member actually travels;

(b) if the journey is performed by air, equal to one fare by air for each such journey:

Provided that such travelling allowances shall not exceed the total amount of daily allowances which would have been admissible to such member under section 3 for the days of absence if he had not so remained absent.

Explanation.—The provisions of clause (c) of sub-section (1) and of sub-section (2) of section 4 shall, so far as may be, apply to travelling allowances payable under this section as they apply to travelling allowances payable under that section.

6. Free transit by Railway.—Every member shall be provided with one free non-transferable second class pass which shall entitle him to travel by any railway in India at any time, but nothing contained in this section shall affect the payment of any travelling allowance payable to a member under any other provision of this Act.

7. Allowances during short intervals between the termination of one session and the commencement of another session, etc.—Where the interval between the termination of one session of a House of Parliament or, as the case may be, one sitting of a Committee and the commencement of another session or sitting at the same place does not exceed seven days and the member concerned elects to remain at such place during the interval, he shall be entitled to draw for each day of residence at such place a daily allowance at the rate specified in section 3:

Provided that if the member leaves such place during the interval, his absence from the place shall be treated as absence during a session of a House of Parliament or a sitting of the Committee, as the case may be, and the provisions of section 5 shall apply accordingly.

8. Amenities.—A member shall be entitled to such medical, housing, telephone and postal facilities as may be prescribed by rules under section 9.

9. Power to make rules.—(1) For the purpose of making rules under this section, there shall be constituted a Joint Committee of both Houses of Parliament consisting of five members from the Council of States nominated by the Chairman and ten members from the House of the People nominated by the Speaker.

(2) The Joint Committee constituted under sub-section (1) shall elect its Chairman and shall have power to regulate its procedure.

(3) The Joint Committee constituted under sub-section (1) may make rules to provide for all or any of the following matters, namely:—

(a) the routes for the performance of any journey;

(b) the manner in which fractions of a day shall be dealt with for the purpose of determining the daily allowance admissible for that day;

(c) the travelling allowance admissible where a member is provided with free transit for the whole or any part of a journey;

(d) the travelling allowance admissible where the place from which a member commences his journey or to which he returns is not his usual place of residence;

(e) the form in which certificates, if any, shall be furnished by a member for the purpose of claiming any allowance under this Act;

(f) medical, housing, telephone and postal facilities mentioned in section 8; and

(g) generally for regulating the payment of daily and travelling allowances under this Act.

(4) Any rules made under sub-section (3) shall not take effect until they are approved and confirmed by the Chairman of the Council of States and the Speaker of the House of the People and are published in the Official Gazette, and such publication of the rules shall be conclusive proof that they have been duly made.

10. Validation of payment of certain travelling allowances.—Where a member is entitled to receive travelling allowance in respect of any journey performed by him by a railway before the commencement of this Act, he shall, notwithstanding the abolition of first class accommodation on such railway, be entitled and be deemed always to have been entitled to receive travelling allowance in respect of such journey at the rates admissible to him in accordance with the law then in force, as if the first class accommodation had not been abolished on such railway and as if the member had in fact travelled by first class and, accordingly, the payment of any travelling allowance to such member in respect of such journey at the aforesaid rates shall be deemed to have been validly made and shall not be called in question by any authority on the ground only that the first class accommodation had been abolished on such railway and that the member had not in fact travelled by first class.

K. Y. BHANDARKAR,
Secy. to the Govt. of India.

